

The Honorable Judge Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JAMES MCDONALD,

Plaintiff,

v.

ONEWEST BANK, FSB, NORTHWEST
TRUSTEE SERVICES, INC., MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., INDYMAC BANK FSB, DOES 1-50,

Defendants.

No. C10-1952 RSL

**DEFENDANTS MOTION FOR
EXTENSION OF TIME FOR
DISPOSITIVE MOTION CUT-OFF
DATE**

NOTING DATE: March 16, 2012

I. RELIEF REQUESTED

COME NOW, Defendants OneWest Bank, FSB ("OneWest"), Mortgage Electronic Registration Systems Inc. ("MERS"), and Northwest Trustee Services, Inc. ("NWTS") (collectively "defendants") hereby move for the Court for an extension of time until April 13, 2012 for dispositive motion cut-off date on the basis that Plaintiff has amended his complaint and there is good cause to show that defendants should be afforded time to answer the amended complaint and bring a dispositive motion. This motion is made pursuant to the Local Civil Rule 16(m)(2). A proposed order is attached to this motion.

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DEFENDANTS MOTION FOR EXTENSION
OF TIME
- PAGE 1 OF 4
CASE NO. C10-1952 RSL

II. STATEMENT OF FACTS

This matter is currently set for trial on June 4, 2012. Dkt. 92. The dispositive motion cut-off date is March 6, 2012. Dkt. 92. The court granted plaintiff's motion for leave to file his amended complaint on February 21, 2012. Dkt. 100. The amended complaint thereby mooted defendants' pending motion for summary judgment¹ by adding additional causes of action. *See* Dkt. 100.²

On or about March 5, 2012, Defendants requested that plaintiff stipulate to extending the dispositive motion cut-off date to April 13, 2012. *See* Declaration of Heidi Buck. Plaintiff advised defendants he does not agree to the stipulation as drafted by defendants. Buck Decl.

III. ARGUMENT

The standard for granting a continuance under FRCP 16 is "good cause," *See generally* *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002).

Good cause exists in this case to extend the dispositive motion cut-off date. Through no fault of the defendants, the plaintiff's motion for leave to amend his complaint was granted less than a month before the dispositive motion cut-off date on February 21, 2012. Based on Fed. R. Civ. P. 15, defendants' deadline to answer the amended complaint is March 6, 2012. Thus, under the current case schedule, defendants must answer plaintiff's amended complaint, which spans 45 pages, and must move for summary judgment, as to all nine causes of action, within a two week time frame.

Defendants have sought plaintiff's agreement to stipulate to extending the dispositive motion cut-off date, and plaintiff does not wish to stipulate.

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¹ Defendants' motion for summary judgment was originally filed in March 2011. Dkt. 49.

² Defendants intend to formally withdraw their pending motion for summary judgment. Buck Decl.

1 Thus, in light of the good cause that exists, as explained herein, the court should grant
2 defendants' motion and extend the dispositive motion cut-off date to April 13, 2012.

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4 DATED this 5th day of March, 2011.

5 **ROUTH CRABTREE OLSEN, P.S.**

6 
/s/ Heidi E. Buck

7 Heidi E. Buck, WSBA No. 41769
8 Attorneys for Defendants OneWest,
9 MERS, and Northwest Trustee
Services, Inc.

10 **II. PROPOSED ORDER**

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12 This matter having come before the Court on a Motion for an Extension of Time for
13 Dispositive Motion Cut-Off date made pursuant to CR 16(m)(2), and the Court having
14 considered the same, it appears to the Court that good cause for the entry of this Order has been
15 shown; now, therefore,

16 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants have until
17 April 13, 2012 to file Dispositive Motions.

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20 ORDERED this ____ day of _____, 2012.

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26 _____
Judge Lasnik

Presented by:

ROUTH CRABTREE OLSEN, P.S.



/s/ Heidi E. Buck

Heidi E. Buck, WSBA No. 41769
Attorneys for Defendants OneWest,
MERS, and Northwest Trustee
Services, Inc.